

**CITY OF MILPITAS
UNAPPROVED**

PLANNING COMMISSION MINUTES

September 10, 2003

**I.
PLEDGE OF
ALLEGIANCE**

Chair Nitafan called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

Chair Nitafan dedicated the meeting in honor of those who gave their lives on the September 11, 2001 tragedy.

**II.
ROLL CALL**

Present: Nitafan, Williams, Galang, Giordano, Hay, Lalwani and Sandhu

Absent: None

Staff: Faubion, Fujimoto Heyden, Khaila, Lindsay, McNeely, Rodriguez

**III.
PUBLIC FORUM**

Chair Nitafan invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

**IV.
APPROVAL OF
MINUTES
August 27, 2003**

Chair Nitafan called for approval of the minutes of the Planning Commission meeting of August 27, 2003.

Motion to approve the minutes as submitted.

M/S: Giordano/Sandhu

AYES: 7

NOES: 0

**V.
ANNOUNCE-
MENTS**

James Lindsay, Acting Planning Manager, announced that the City will be holding a commemorative ceremony for the September 11, 2001 tragedy at the Milpitas Civic Center Plaza at 7:30 p.m.

Commissioner Lalwani announced that she attended a Valley Transportation Agency (VTA) meeting at the City Hall committee room discussing minimum operating system requirements for BART and noted there will be a public meeting at the September 16, 2003 City Council meeting.

Commissioner Lalwani also announced she is organizing a community forum in conjunction with the San Jose Mercury news and the Santa Clara County Library to discuss the impact of September 11th and the Patriot Act on September 14, 2003 at noon at the India Community Center.

On behalf of the Sikh Foundation **Commissioner Sandhu** thanked the many people who attended the Milpitas Cultural night at the Community Center on August 30, 2003.

Vice Chair Williams commended Commissioner Sandhu for his hard work and dedication and said he left the cultural event with a great deal of insight and appreciation of cultures.

**VI.
APPROVAL OF
AGENDA**

Chair Nitafan called for approval of the agenda.

There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Giordano/Lalwani

AYES: 7

NOES: 0

**VII.
CONSENT
CALENDAR
Item Nos. 3 and 4**

Chair Nitafan asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes from staff.

Chair Nitafan opened the public hearing on Consent Item Nos. 3 and 4.

There were no speakers from the audience.

**Close Public
Hearing
Item No. 3 only**

Motion to close the public hearing on Consent Item No. 3 and continue Consent Item No. 4 to the September 24, 2003 meeting.

M/S: Hay/Giordano

AYES: 7

NOES: 0

Motion to approve the consent calendar on Consent Item Nos. 3 and 4.

***3 USE PERMIT NO. P-UP2003-29:** Request for a new, 48-seat restaurant (Hai Noodle) without providing seven (7) required parking spaces at 275 West Calaveras Boulevard, zoned C2 - General Commercial district (APN: 022-25-042) Applicant: Hai Ho. Project Planner: Staci Pereira, 586-3278. (PJ # 2336) (*Recommendation: Approval with Conditions*)

***4 SIX MONTH REVIEW OF USE PERMIT AMENDMENT NO. P-UA2002-21:** Verification of compliance with all conditions of approval including maximum number of seats and ensuring trash bins are kept within the existing enclosures at 89 S. Park Victoria Drive, zoned C1 - Neighborhood Commercial district (APN: 88-04-048). Applicant: Big Boyz BBQ. Project Planner: Staci Pereira, 586-3278. (PJ #2334) (*Recommendation: Continue to September 24, 2003*)

M/S: Hay/Giordano

AYES: 7

NOES: 0

**VIII.
PUBLIC
HEARINGS**

Chair Nitafan opened the public hearing on Agenda Item No. 1.

**1. VARIANCE
NO. P-VA2003-2
AND "S" ZONE
AMENDMENT**

NO. P-SA2003-61:

A request to exceed the maximum allowed impervious surface coverage at 510 Vista Spring Court. *Applicant: Franklin and Celina Camillo.*

James Lindsay, Acting Planning Manager, presented a request to exceed the maximum allowed impervious surface coverage in order to accommodate wood decking and other back yard amenities for the single-family hillside residence located at 510 Vista Spring Court, continued from the August 27, 2003 meeting.

He explained that the applicant is requesting a variance to deduct the entire driveway, totaling 6,520 square feet, and would like to retain all of the amenities that have been added to this site, and add a 545 square foot pool to be constructed at a later date.

Mr. Lindsay noted that the staff recommends deducting 1,012 square feet of extraneous area from the driveway, totaling 3,230 square feet. Based on the findings and conditions in the staff report, Mr. Lindsay recommended approval with conditions to City Council.

In response to **Commissioner Hay's** clarifying question regarding a chart in the staff report, Mr. Lindsay explained that the chart is an existing condition chart which states the project site has 14,370 total impervious surface.

Commissioner Hay mentioned his confusion on all of the three charts, and asked staff to clarify. Mr. Lindsay explained that staff provided three options. The first option is staff's recommendation, the 2nd option is an alternative scenario, and the third option is the applicant's recommendation. Mr. Lindsay summarized that staff is recommending option one, which is to exclude the extraneous driveway areas. The chart shows the resulting impact on the impervious surface coverage. Staff is also recommending allowing the applicant to keep 50% of their amenities, and remove 1,012 square feet of impervious surface area.

Commissioner Hay asked how the 1st and 3rd option relate to the 2nd chart. Mr. Lindsay clarified that there is no relationship to the 2nd chart. Staff provided two alternatives and the applicant would like the Commission to approve the 3rd option which is to deduct the entire driveway width.

Commissioner Hay suggested that the charts be identified as 1, 2 and 3. Alternative 1 is to keep 50% of the amenities, alternative 2 is to deduct 50% of the driveway width, and alternative 3 is to deduct the entire driveway.

Chair Nitafan asked if all of these alternatives are in conformance with the ordinance. Mr. Lindsay replied that staff's recommendation is the one alternative that is in conformance with the ordinance and staff cannot support alternative 2 and 3.

Chair Nitafan noted that there are 7 lots in Vista Springs Court and asked if they are buildable. Mr. Lindsay replied, "Yes".

Commissioner Hay asked staff if the applicant were to put in a 545 square foot pool, would they have to remove 1,557 square feet of amenities. Mr. Lindsay confirmed that staff did not illustrate or show the amenities included with the square footage and the applicant could reduce other amenities to put the pool in. He also explained that there is 1,208 square feet that the applicant could use at their discretion.

Commissioner Hay needed clarification on the first sentence of the second paragraph on Item No. 5 in the staff report.

Mr. Lindsay noted that the words "partially made" are a typo. The original staff report indicates those findings, and that the findings could be made. He explained that the point on the second paragraph is showing that the finding could be construed a different way, and if the variance could be granted, it would not be material detrimental to the public welfare, and if a similar request was approved, it would not necessarily be granting a special privilege.

Commissioner Hay asked who makes the determination that it is a special privilege. Mr. Lindsay noted that if the Commission recommends denial of the variance, staff had provided alternative scenarios, which are alternative considerations on how the findings could be made.

Commissioner Hay asked if it is up to the Commission to make the findings and Mr. Lindsay replied "Yes".

Commissioner Giordano mentioned the wood decking interpretation issue that was brought up at the last meeting and asked if the interpretation would create a change in the hillside ordinance. After reviewing the 1994 Planning Commission minutes, she noted that there wasn't even a consensus on making wood decks part of impervious surface area.

Mr. Lindsay stated the hillside ordinance does not specify removing this extraneous area, otherwise a variance wouldn't be needed. The variance is an instrument being used to allow this and the findings can be made to grant a variance. This should not be considered an interpretation. Burdens are being placed on the property owner, and this variance allows relief of the burdens and to exercise the same rights as other property owners do.

Commissioner Giordano asked if a future applicant who had a similar problem would be able to use similar findings to allow their variance. Mr. Lindsay replied that this is a rare situation and the variance is a good instrument to allow this.

In regards to Chair Nitafan's question about the tentative map of Vista Springs Court, Mr. Lindsay replied that the tentative map was approved by Santa Clara County (not the City), and prior to the requirements of impervious surface coverage.

Chair Nitafan commented that the engineers who created the tentative map could have deducted the extraneous driveway and increased the lots at Vista Spring Court.

City Attorney Kit Faubion explained that the hillside is a sensitive site because of visibility and many other reasons. In this case, there has to be a limit of the amount of ground that can be covered over. The tentative map will show the net lot area and buildable area and access to each lot has to be accessed through a public or private road system that extends from the public road.

Attorney Faubion went on to say that unless it is noted in the tentative map, the normal assumption is the lot is considered net area, and wouldn't be assumed that the private road should be deducted from anything. In this case, staff mentions that the applicant didn't have a choice on whether to have these roads and driveway on their property, and the applicant is suggesting that those areas not be counted against them when the impervious surface area is counted.

Chair Nitafan asked if the extraneous driveway could be considered a common area for the subdivision and Ms. Faubion replied that it would not be characterized as a common area for the subdivision. The only way it could be a common area is if there would be an easement that allows the rest of the lots to use common features and inform the owners of the property that they have a right to use the area. She went on to say that if the common area is not on the tentative map, it should be assumed that a driveway that serves one or two properties is intended to be common area.

Commissioner Lalwani asked staff which is the applicant's preference of alternatives 1, 2 and 3 and Mr. Lindsay replied that the applicant prefers alternative 3 which is to deduct the entire driveway width.

Chair Nitafan opened the public hearing on Agenda Item No. 1.

There were no speakers from the audience.

**Close Public
Hearing**

Motion to close the public hearing.

M/S: Giordano/Lalwani

AYES: 7

NOES: 0

In regards to the Councils interpretation in 1994 which recommends wood decking be included in impervious surface calculation, Commissioner Giordano mentioned her concern that the Planning Commission at that time was divided on this issue and there was no clear message from the Planning Commission interpretation. She felt that this item should be agendized at a future meeting.

City Attorney Faubion explained that the Planning Commission are planners for the City, and have the ability to raise issues of concern. The Commission could request staff to do more background work and come up with a recommendation and have the Council exam the issue.

Commissioner Giordano asked what the usual outcome is when issues are brought forth to Council. Ms. Faubion replied that if an issue came up frequently enough, the Council and the Commission would have to resolve it. In those instances, the ordinance may have to be revised. Once the ordinance is amended, then it is a requirement of the City, and staff has less flexibility. On the other hand, if the Council felt it wasn't an issue that comes up a lot, then they will leave it at guidance using an interpretation.

Commissioner Hay commented that the October 18, 1994 City Council minutes regarding the wood decking interpretation was included at the back of the agenda packet. Commissioner Hay agreed that the guidance to Council by the Planning Commission was unclear.

Chair Nitafan agreed with agendizing the wood deck interpretation at a future meeting and Commissioner Giordano recommended that staff look at what other cities are doing.

In reviewing the 1994 minutes, Vice Chair Williams pointed out Bill Rush's comments which indicated that when it comes to wood decking, the size of the planks vary. One plank might have a ½ inch gap, prohibiting water from penetrating downward. Vice Chair Williams brought up another point that Mr. Rush mentioned which states that some decks have illegal over hangings and different types of awnings that would preclude any moisture getting to the ground in the first place. Vice Chair Williams stated that he would see concerns of including wood decks as part of the impervious area.

Motion to recommend approval of Variance No. P-VA2003-2 and "S" Zone Amendment No. P-SA2003-61 to the City Council based on the findings and conditions in the staff report.

M/S: Giordano/Sandhu

AYES: 7

NOES: 0

Chair Nitafan opened the public hearing on Agenda Item No. 2.

**2. VESTING
MAJOR
TENTATIVE MAP
(P-MA2003-1),
SITE AND
ARCHITECTURE
REVIEW (P-
SZ2003-1) AND
USE PERMIT NO.
P-UP2003-2:** A
request to subdivide
a single 7.3 acre
parcel, located at 95
East Curtis Avenue
(APN: 086-25-024)
into 19 parcels for a
285-unit multi-
family residential
development.
*Applicant: Parc
North Associates
LLC.*

Troy Fujimoto, Acting Associate Planner presented a PowerPoint presentation to subdivide a single 7.3 acre parcel, located at 95 East Curtis Avenue (APN: 086-25-024) into 19 parcels for a 285-unit multi-family residential development with exceptions to the following R-4 (Multi-Family Very High Residential) development standards; setbacks, auto and bicycle parking, and open space and recommended approval of site and architecture review and use permit requests and recommend to City Council approval of vesting major tentative map.

Vice Chair Williams asked what are the parking requirements on the east end of Curtis Avenue. Mr. Fujimoto replied there will be 18 off site spaces to be used off Hammond and Curtis and the spaces will not be reserved for the development and will only be used based on availability.

Vice Chair Williams mentioned that he visited the project site and was concerned with Pacific Motor Transit (PMT) loading and unloading their trucks on Curtis Avenue. He asked staff if there are potential parking problems and restrictions to commercial vehicles. Mr. Fujimoto mentioned that the applicant has spoken with PMT and they are willing to no longer continue to load and unload their trucks on Curtis Avenue.

Commissioner Sandhu commented on his excitement about the project and asked how many stories will the development include. Mr. Fujimoto replied that the Product A type of development will have 2 stories above the garage and the Product B type of development will have 3 stories above the garage.

Commissioner Lalwani compared the number of units between Parc North and Parc Metro and noted that Parc Metro has 50 acres and 385 units and Parc North has 7.3 acres and 285 units. She commented that the project is very high density. Mr. Fujimoto clarified that Parc Metro is zoned as R3, which is a lower density project, and Parc North is zoned R4, which is a higher density project. Parc Metro has 13 units per acre and Parc North has 31 units per acre.

Commissioner Hay asked if staff has approved tandem parking in the past and Mr. Fujimoto replied that this is the first project requiring tandem parking.

Commissioner Hay commented that he doesn't have a problem with high density but is concerned with the exceptions the applicant is requesting such as allowing tandem parking, reducing the size of the compact spaces, building smaller roadways and reducing open space requirements.

Mr. Fujimoto explained that the reason why tandem parking is required is because the compact space size does not meet the requirement by six inches.

Mr. Fujimoto further explained that higher density projects have a clustered feel and reduced open spaces. He mentioned that the Fire and Engineering departments approved the dimensions of the roadways and there is adequate clearance for service and fire engine vehicles.

In regards to the open space requirement, Mr. Fujimoto replied that when the Midtown Plan was approved, there weren't any projects the City had to verify whether the proposed development standards would work. He explained that this is the first R4 project for the city, and staff is experiencing the real life situations that occur. The applicant doesn't meet the requirements by approximately 2.3% of the 25% requirement. Mr. Fujimoto went on to explain the design of the proposed development.

Commissioner Hay referenced the transportation impact analysis report about the project widths, ranging from 25 feet on the main road, and 20 feet on the dead end road and that a 3-point turn may be required for larger vehicles. Commissioner Hay asked what constitutes a larger vehicle. Mr. Fujimoto replied that a full size SUV truck would be considered a large vehicle, or any vehicle larger than a standard vehicle.

Commissioner Hay asked if two standard vehicles could park in the tandem parking space and Mr. Fujimoto replied that a tenant would have to park their cars one behind the other.

Commissioner Hay asked what is the reason for 10 units not having the two coverage spaces and Mr. Fujimoto replied that the units do not have the footprint to accommodate a two-space garage, only one space.

In response to Commissioner Hay's clarifying question regarding the design of the proposed sound walls, Mr. Fujimoto replied that the walls are 5 ½ feet in height, are solid, and made with clear acrylic. The walls will prevent sound from getting through.

In response to Commissioner Hay's clarifying question regarding the mechanical ventilation system, Mr. Fujimoto replied that some units would not meet the 45 average LDN level if the windows were open. In order to meet the requirements, the windows will have to be closed and the mechanical ventilation system will circulate fresh air.

Commissioner Hay mentioned his concerns about potential flood problems. He explained that the project is going to be built up from the base because of the area of the property, and that retaining walls are going to be needed for backfill. The assumption is the water will go down through the backfill. He explained that where he lives, the developer put up a sound wall, not a retaining wall, which was not designed to provide drainage. He mentioned that when the water flows towards the bay, the water hits the sound wall, and in the process, has taken concrete and bent it because of the pressure. The reason was it wasn't designed as a retaining wall and there is no drainage. He asked what is the applicant going to do for drainage issues. Mr. Fujimoto replied that the applicant is proposing a drainage system underneath that is able to accommodate rain and storm seasons.

Commissioner Galang asked if the City requires signs for compact stalls and Mr. Fujimoto replied "No" because the compact stalls will be in the private garages.

Commissioner Galang asked if the applicant will require handicap parking and Mr. Fujimoto replied that there will be a handicap space at the recreation building, but will not be required for the privately owned units and garages.

Chair Nitafo mentioned his concerns for emergency access, and Mr. Fujimoto replied that the project will have four entrances, which is adequate access for emergencies.

Chair Nitafo asked if there will be double pain windows and Mr. Fujimoto replied, "Yes".

Chair Nitafo mentioned his concerns about the railroad track noise near the development and asked if there are any provisions for vibration. Mr. Fujimoto replied that project will be 100 feet from the west side of the tracks and 400 to 500 feet from the east track so vibration is not considered a problem.

In response to Chair Nitafo's clarifying question regarding the size of Curtis Avenue, Mr. Fujimoto replied that 4 lanes of travel is proposed on the west and east side (two east bound, 2 westbound) of Comet drive. The ultimate right of way is 80 feet and the travel lanes are 11 to 12 feet. West of Comet there is 50 feet of right away and east of comet there is 35 feet of right away.

Chair Nitafo asked if the road will be crowded and Mr. Fujimoto replied that it will be crowded but will be able to accommodate traffic.

Commissioner Lalwani asked if the parking spaces on Curtis Avenue will be used for public or private access and Mr. Fujimoto replied "public".

In response to Commissioner Lalwani's clarifying question regarding the number of units, Mr. Fujimoto replied that there are 141 townhouse units and 144 condo style units proposed.

In regards to Commissioner Hay's concerns about building smaller roadways, Mr. Fujimoto replied that 25 feet of right of way is required for two-way traffic. In this case, the project is requiring 20 feet of right away, only cutting out 5 feet.

Commissioner Hay asked how this compares to the narrow streets of Park Town, and Mr. Fujimoto replied that the Parc North development will have narrower streets.

Commissioner Hay recalled that when he was interviewed for the Planning Commission, one of the questions asked was “What do you consider bad planning?” and that the answer was narrow streets. He mentioned his concerns of having people parked on both sides of the street, and leaving no room for cars.

Mr. Fujimoto commented that the Park Town development is a lower density project and that the Parc North development is a high-density project. He explained that high-density projects have an urban type of setting, with narrow drives, and not enough open space. Mr. Fujimoto went on to explain that narrow streets have been used in other cities and that narrow streets slow down people, making it more pedestrian friendly, and enabling cars to slow down and not cause traffic.

Commissioner Hay asked what cities have narrow road widths and Mr. Fujimoto replied the City of San Francisco and City of Denver.

Commissioner Hay commented that his first impression of the project is that it is too big for the site, and that it seems we are trying to squeeze everything in where there isn't enough room to turn around. He would like staff to research other cities that have high-density projects and narrow streets and bring back the information to the Commission to see what problems they have encountered.

Commissioner Lalwani mentioned that she added up the number for parking stalls from the presentation and that the numbers don't match on the matrix. Mr. Fujimoto replied that it is a typo and that the correct number should be 635, not 637.

Commissioner Lalwani asked if the uncovered parking is outside and Mr. Fujimoto replied, “Yes”.

Chair Nitafan invited the applicant to speak.

Mr. Murrar, Applicant, Parc North Associates, Newport Beach, California, congratulated staff for their vision of Midtown and the adoption of the Midtown Plan. He felt that the Parc North project was very exciting in terms of urban development and thanked staff for their tremendous effort. Mr. Murrar also thanked his many colleagues (sitting in the audience), who were major partners in the development of this project.

Mr. Murrar presented a PowerPoint presentation on the objectives and challenges of the project. Below is a summary of the PowerPoint presentation:

Parc North Development objectives

- Implement the vision of the Midtown Plan
- Create homes and living environments responsive to the market
- Add to the stock of affordable housing
- Create substantial value for the City of Milpitas
- Provide an economically viable project

Parc North Major challenges

- Creating a high density community with attractive desirable homes
- Finding solutions to deal with the cars
- Solving the financing and insurance issues for attached high density housing
- Providing homes affordable for very low, low and moderate-income families

Parc North Major challenges

- Create spine road for access to homes arranged on pedestrian paseos
- Create landscaped trail bikeway adjacent to Curtis and pedestrian scale
- Arrange garages on motor courts to hide garage doors from view
- Private garages with 90% two car
- Direct private access from the garage to the home
- Architectural interest

Pat Brown, RGC, addressed some of the issues that were brought up from the Commission such as the noise barrier issue, drainage issue, smaller roadways, compact spaces and handicap parking.

Mr. Brown explained that for the noise barrier issue, Parc North will have a solid balcony-railing feature with a Plexiglas panel fence. The total height is 5 ½ feet, with 3 feet of it being Plexiglas.

For drainage concerns, Mr. Brown explained that for a normal ten-year event storm, there is a storm drain that is 60 inches under ground that flows from the western side through the eastern side. The grades of the Parc North garages are two to three stories above Curtis Avenue. In a 100-year event, the water overflows from the Great mall along Curtis Avenue through the railroad tracks. He explained that to meet the requirements, the project has to be a foot above the railroad tracks for the lowest living floor.

For roadway concerns, Mr. Brown explained that the City's residential standards for roads on both sides of the street is 36 feet, and the applicant is proposing a 34 feet road way.

In response to Commissioner Hay's concerns about parking spaces, Mr. Brown explained that the parking spaces will be striped and are 7 ft. by 20 ft.

In response to Commissioner Galang's concern about handicap access, Mr. Brown explained that when you have multi story development, handicap parking doesn't need to be provided. The applicant is obligated to provide access for common facilities such as the recreation facility.

Vice Chair Williams commented about his earlier issue with PMT being adjacent to the railroad yard. He also mentioned that when future residents will have issues about vibration and sounds coming from the railroad. He asked the applicant if they could notify a potential buyer that this condition clearly exists in the area, so that there are no future complaints.

Mr. Murrar responded that the noise issues will be fully disclosed to the department of real estate in a disclosure statement, but that he can't make any guarantees that people won't complain. He stated that Parc North will do their best to have them sign off on those disclosure statements.

Mr. Brown added that it will also be added to the CC&R's for property owners. Commissioner Lalwani also added that potential buyers be notified that they will be living near the Great Mall

Regarding the annual tax revenue, Commissioner Lalwani noted from Mr. Murrar's presentation that 1 million, or 1% of revenue, will be generated to the City, and noted that this is slightly higher than average. Mr. Murrar noted that just recently, the Redevelopment Agency (RDA), allowed the City to capture a larger share of revenue in the Midtown Area.

Commissioner Hay thanked James Lindsay, Acting Planning Manager, for his effort on providing the projects MOU with the RDA to the Commission.

Commissioner Lalwani asked about the colors of the development and Mr. Murrar passed around a color palette.

Commissioner Sandhu asked the applicant when the units would be available to the public. Mr. Murrar replied that they should be ready by the end of the year 2004 or the beginning of the year 2005.

Commissioner Sanhdu asked if the development will be advertised in the local papers and Mr. Murrar presumed that they would.

Chair Nitafan mentioned that he is satisfied with the way the project has met the ordinance requirements and 20% affordable housing goal. Chair Nitafan noted Condition No. 3 that states the following:

3. *Given the conceptual information submitted regarding several site and architectural aspects, the following shall be submitted to the approval of the Planning Commission Subcommittee prior to building permit submittal: (P)*
 - a) *The applicant shall submit revised building elevations that clearly show all details of the buildings without any conceptual lines and shadows. (P)*
 - b) *The applicant shall submit plans that include revised elevations for the rear (garage façade) of the buildings at the east end of the project (buildings number 10 and 11). (P)*
 - c) *The applicant shall submit plans that include a revised elevation and roofline for the building facing Curtis Avenue in Product A (building no. 4) and for the building facing Parc Lane (building no. 1). (P)*
 - d) *The applicant shall submit plans that include a revised rear (garage) elevation for all buildings to provide increased architectural interest to these building elevations. (P)*
 - e) *The applicant shall submit plans that include the location of bicycle parking in the private recreation area. (P)*
 - f) *The applicant shall submit plans that include a revised recreational building with a recreation/multi-purpose room of a minimum size of 600 square feet. (P)*
 - g) *The applicant shall submit plans that include concrete stamping or incorporate designs and vertical elements to break up expanses in the exterior faces of all perimeter and retaining walls. (P)*
 - h) *The applicant shall submit plans for the decorative paving accents throughout the site. (P)*

The applicant shall submit a sun/shadow study to the City for review. (P)

Chair Nitafan asked if the architectural designs and drawings could come back to the Planning Commission instead of the Planning Commission Subcommittee. Mr. Fujimoto responded that it is up to the Commission to revise the condition.

Commissioner Hay commented that he would still like staff to bring back a report at a future date to see what other cities are doing in regards to roadways in high-density projects. Mr. Murrar said he would be happy to contribute information since they have done work for cities such as San Diego, Los Angeles and Irvine.

In response to Commissioner Lalwani, Mr. Murrar responded that he has been involved with the City since 1997.

Commissioner Lalwani mentioned that she was confused about having the designs come back to the Commission. Chair Nitafan suggested that the designs come back since there are no details on the plans and elevations, and so the Commission could add more comments.

Mr. Murrar mentioned his concerns that if the working drawings were to come back to the Commission, it might delay the project. He asked the Commission to please consider this request.

Mr. Lindsay clarified that the working drawings would not come back, only the enhanced elevations and architectural details. Also, it wouldn't be a public hearing item. Staff would have to write a report and present the plans to the Subcommittee Commission or the Planning Commission.

Mr. Murrar asked if the Commission chooses to do that, would it be at a public meeting and Mr. Lindsay said it would not be a public hearing item.

Commissioner Galang asked the applicant how they qualify potential buyers. Mr. Murrar replied that the City makes the selection in a pool and gives the names to the sale staff. Mr. Lindsay added that Felix Reliford is the main person in charge and gets support from Planning staff and the City Manager's office.

Chair Nitafan opened the public hearing.

A concerned resident from Parc Metro mentioned his concerns with parking issues on Curtis Avenue. He complained that over 100 cars park on the street, and there is no more room for cars. He would like the City to build a wider road and doesn't buy into the fact that narrow roads means cars will slow down. He felt that the parking problems will cause issues in the future.

Sylvia Leung, Developer with Green Earth Engineering and Construction, 968 Hanson Court, commends the City for having a great vision of smart growth. She noted that the Midtown Plan was adopted last year and since then, no project have gone forward on Main Street. She felt that urban living is a lifestyle choice and urges the City to move from the planning stage to the execution stage. She is in support of the project.

Don Peoples, President of the Milpitas Downtown Association, mentioned that the Association was very pleased with the aesthetics of the building and felt that the project is an island within the community. He summarized that the Midtown plan is urban and is drawing people to interact within the community. He commended Parc North for their vision and highly recommends the project.

A Concerned Resident at Parc Metro and Vice President of the Home Owners Association (HOA) mentioned her concerns with having a number of sewage problems at Parc Metro such as toilet backups and sewage in the streets. She is also concerned that residents have to pay \$190 a month to clean up graffiti and pick up trash. She also complained that the drinking fountains don't work and that cable is a nightmare. She is concerned about a high-density project moving in the area because of crime, problems and traffic.

Mr. Murrar commented that there will be parking issues for all high-density projects. His team has provided parking regulations, and mentioned that one of the major issues for parking is that people don't park in their garages. These projects are not designed for a single family detached unit, and residents have to park in the garage or there will be parking issues. Parc North has tried to respond to their issues by providing them the rules and regulations and enforcement procedures, and requiring people to park in their garages.

In regards to sewer problems, **Mike McNeely, City Engineer**, mentioned that he and the developer are meeting with Parc Metro to go over the requirements regarding the sewer infrastructure at Parc Metro. He noted that there have been overflows and the developer has to replace some items.

Commissioner Hay asked if the sewage system could handle the Parc North development and Mr. McNeely said "Yes".

Chair Nitafan asked if there is a security plan in place to reduce crime. Mr. Fujimoto responded that the project was reviewed by the Milpitas Police Department and they have enough manpower to control the area without impacting any services.

Mr. Murrar added that the nice thing about Parc North is that every single residence has its own private garage and own internal stairway from the garage to their home, and it is not available to outside people. He also noted that all homes will have fire sprinklers.

**Close Public
Hearing**

Motion to close the public hearing.

M/S: Lalwani/Giordano

AYES: 7

NOES: 0

After further discussion, the Commission noted that it was not necessary for the architectural designs to come back to the Commission.

Motion to approve Site and Architecture Review (P-SZ2003-1) and Use Permit No. P-UP2003-2 and recommend to Council approval of Vesting Major Tentative Map (P-MA2003-1), with the added conditions below:

- Prior to building permit issuance, plans shall show striping for the parallel parking along the spine road (Parc North Drive). (PC)
- The applicant shall provide a disclaimer in regards to the neighboring/surrounding uses for future property owners of the project. (PC)
- The applicant shall include a condition for residents to park in their garages in project's CC&R's. (PC)

M/S: Williams/Sandhu

AYES: 7

NOES: 0

**IX.
ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:32 p.m. to the next regular meeting of September 24, 2003.

Respectfully Submitted,

James Lindsay
Planning Commission
Secretary

Veronica Rodriguez
Recording Secretary